

Ken Lawson, Secretary

Rick Scott, Governor

**Minutes of
THE FLORIDA REAL ESTATE COMMISSION
July 16 and 17, 2013
General Meeting**

Chair Claude “Chip” Boring called the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, Florida, on this 16th day of July, 2013.

The following Commission members were in attendance: Chair Claude “Chip” Boring, Vice-Chair Roger Enzor, Richard DeNapoli, Poul Hornsleth and Josh Podolsky. Vice-Commissioner Darla Furst was excused and not present. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Allison McDonald, Deputy Chief Attorney and Joseph Solla, Assistant General Counsel; Leigh Matchett, Josh Kendrick, Al Cheneler, Assistant General Counsel appeared via video conference; Jocelyn Pomales, Operation Management Consultant II; JoEllen Peacock, Education Coordinator; Johanne Knudson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court services.

Approval of the Minutes

Commissioner Podolsky moved; seconded by Commissioner DeNapoli to approve the Minutes of the June 18 and 19, 2013, General Meeting, as written. The motion passed without dissent.

Reports

Report Regarding Enforcement Trends and Escrow Audits

Director Watkins presented the report regarding Complaint Trends and Escrow Audit Summary. Ms. Watkins addressed questions and comments from the Commission.

Report Regarding Legal Case Activity

Chief Attorney Cunningham presented the monthly report regarding legal case activity and addressed comments and questions from the Commission.

Unlicensed Activity Report

Director Watkins presented the Unlicensed Activity Report and addressed questions from the Commission.

Monthly Exam Performance Summary Report

Director Watkins presented the monthly Exam Performance Summary Report and addressed questions and comments from the Commission.

Legal Agenda Schedule

Escrow Disbursement Orders

Assistant General Counsel Joseph Solla presented 13 Escrow Disbursement Orders and 3 Orders for the Commission's consideration. Commissioner Hornsleth moved to accept the 13 Escrow Disbursement Orders and 3 Orders. Vice-Chair Enzor seconded the motion. The motion passed without dissent.

Recovery Fund Case

Tab A – Gerald Silva V. Louise V. Goetz, DBPR Case No. 2013024658

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$3,000.00. Commissioner Podolsky seconded the motion. The motion passed without dissent.

Tab B – Robert Muller v. Luis Monsalve, DBPR Case No. 2013009915

Assistant General Counsel Solla presented this matter to the Commission. Neither the Claimant nor the Licensee was present. Mr. Solla advised that the Claimant qualifies statutorily to receive payment from the recovery fund and recommended the Commission approve the request. The Commission considered the facts and circumstances. Commissioner Hornsleth moved to approve the order granting the claim in the amount of \$5,000.00. Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Legal Agenda Schedule

Tab G – Donald Richard Jones, BK 3239720, Case No. 2011060700 – Settlement Stipulation

Respondent was not present. Respondent was represented by Steven W. Johnson, Esquire, present. Commissioner Furst participated on the probable cause panel. Commissioner Furst was excused and not present.

Mr. Kendrick represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$250.00; investigative costs. **Violation(s):** Section 475.25(1)(g), Florida Statutes, when the Oklahoma Real Estate Commission acted against Respondent's Oklahoma broker license.

Action taken: Settlement Stipulation accepted.

Tab F – Patricia A. Mulreany, BK 3140106, Case No. 2011005988 – Respondent’s Motion for Reconsideration

Respondent was present and was not represented by counsel. Commissioner Furst participated on the probable cause panel. Commissioner Furst was excused and not present.

Ms. Matchett represented the department and presented the case to the Commission. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to grant the reconsideration request; the motion passed without dissent. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner DeNapoli to amend the Final Order entered on June 18, 2013; motion passed without dissent to remove the suspension previously imposed. All other sanctions remain the same as follows:

Action taken: \$1,000.00 fine; investigative costs; complete an escrow management course; attend one 2-day FREC general meeting; 6 months probation. **Violation(s):** Rule 61J2-14.012, Florida Administrative Code, by failing to reconcile her escrow account monthly.

Tab A – Charity Teresa Stipp, a/k/a Charity Teresa Cain-Kelly, BK 707059, Case No. 2011037558 – Respondent’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner DeNapoli; motion passed without dissent to find the Respondent not guilty as charged in the Administrative Complaint and dismiss the case.

Action taken: Case dismissed.

Tab H – The Wilson Group LLC, CQ 1037022, Case No. 2012022395 – Settlement Stipulation

Respondent was not represented by counsel. Mr. Maurice L. Wilson, Jr. appeared on behalf of Respondent. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Enzor to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$500.00 fine; investigative costs; 18 months probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely account for or deliver escrow funds and commingling the escrow deposit with the operating funds; Rule 61J2-14.010, Florida Administrative Code, by filing to immediately deposit the escrow deposit in the escrow account and allowing its sales associate to be a signatory on an account used for escrow; Section 475.25(1)(k), Florida Statutes, including that Respondent, contrary to the contract terms, misdirected the escrow into Wilson Group’s operating account.

Action taken: Settlement Stipulation accepted.

Tab I – Maurice L. Wilson, Jr., SL 3064021, Case No. 2012029040 – Settlement Stipulation

Respondent was present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Commissioner DeNapoli to accept the Stipulated Settlement. The motion passed without dissent.

Penalty imposed: \$1,000.00 fine; investigative costs; shall attend FREC-approved 15 hours continuing education; attend one 2-day FREC general meeting; 18 months probation. **Violation(s):** Section 475.25(1)(d)1., Florida Statutes, by failing to timely account for or deliver escrow funds and commingling the escrow deposit with the operating funds; Rule 61J2-14.011, Florida Administrative Code, by filing to immediately deposit the escrow deposit in the escrow account and allowing his sales associate to be a signatory on an account used for escrow; Section 475.25(1)(k), Florida Statutes, including that Respondent, contrary to the contract terms, misdirected the escrow into Wilson Group's operating account; Section 475.42(1)(b), Florida Statutes, by operating as a broker while licensed as a sales associate.

Action taken: Settlement Stipulation accepted

Tab D – The Wilson Group, LLC, CQ 1037022, Case No. 2012042320 – Respondent's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not represented by counsel. Mr. Maurice L. Wilson, Jr. appeared on behalf of Respondent. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. Mr. Wilson requested a continuance. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Enzor; motion passed without dissent to grant a continuance until August 20, 2013.

Action taken: Case continued until August 20, 2013.

Tab E – Maurice L. Wilson, Jr., SL 3064021, Case No. 2012041557 – Respondent's Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. Mr. Wilson requested a continuance. The Commission entered into discussion. Commissioner Podolsky moved; seconded by Vice-Chair Enzor; motion passed without dissent to grant a continuance until August 20, 2013.

Action taken: Case continued until August 20, 2013.

Tab J – Gaetan Besner, SL 659633, Case No. 2011003896 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Vice-Chair Enzor; motion passed without dissent to impose the following sanctions:

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when he committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust; Section 475.25(1)(d)1, Florida Statutes, when he failed to timely account for or deliver funds; Section 475.25(1)(k), Florida Statutes, when Respondent failed to immediately place escrow funds entrusted to Respondent in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state.

Tab K – Gaetan Besner, SL 659633, Case No. 2011007905 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Podolsky was recused due to participation on the probable cause panel.

Mr. Cheneler represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner DeNapoli; motion passed without dissent to impose the following sanctions:

Action taken: Revocation, investigative costs. **Violation(s):** Section 475.25(1)(b), Florida Statutes, when he committed fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealings by trick, scheme, or device, culpable negligence, or breach of trust; Section 475.25(1)(d)1, Florida Statutes, when he failed to timely account for or deliver funds; Section 475.25(1)(k), Florida Statutes, when Respondent failed to immediately place escrow funds entrusted to Respondent in escrow with a title company, banking institution, credit union, or savings and loan association located and doing business in this state.

Tab L – Jennifer Rebecca Briceno, BK 3211433, Case No. 2013004420 – Petitioner’s Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner DeNapoli was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Commissioner Hornsleth moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action taken: Revocation, \$6,500.00 fine, investigative costs. **Violation(s):** Section 472.25(1)(d)1, Florida Statutes, by failing to deliver Ms. Rodriguez’s \$1,400 escrow deposit for the Subject Property upon demand; Section 475.25(1)(b), Florida Statutes, by receiving an escrow deposit of \$1,400.00, failing to return the escrow deposit to Rodriguez as demanded, by receiving a \$125 application fee from Ms. Rodriguez for a Contact to Lease that was never submitted to the listing agent and by making payments to vendors such as

Hollywood Tans, Macy's, various fast food restaurants, Slim Fortune, Amazon.com, various gas stations, Party City, Sally Beauty, Sunrise Utility Center, and Publix, from Advantage International Realty's bank account which holds escrow funds; Section 475.5015, Florida Statutes, by failing to make available her brokerage business records for the Department for inspection; Section 475.42(1)(h), Florida Statutes, by preventing the Department from conducting a reasonable statutorily permitted audit, as required by Section 475.5016, Florida Statutes and by failing to make brokerage business records and escrow account records available to the Department, as required by Section 475.5015, Florida Statutes; Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.010, Florida Administrative Code.

Tab M – Jock Vernon Rankin, BK 604424, Case No. 2011000370 – Petitioner's Motion for Finding of Waiver and Enter a Final Order

Respondent was not present and not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Enzor moved, seconded by Commissioner Podolsky; motion carried unanimously to find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Penalty imposed: Revocation. **Violation(s):** Respondent violated Section 475.25(1)(e), Florida Statutes, by failing to comply with 2 Final Orders, which are lawful orders issued under the provisions of Chapter 455 or 475.

Tab N – Edward J. Snisky, P.A., SL 443167, Case No. 2012009547 – Respondent's Request for Waiver Hearing

Respondent was not present and was not represented by counsel. Commissioner Hornsleth was recused due to participation on the probable cause panel.

Ms. Blakeman represented the department and presented the case to the Commission. The Commission granted the waiver hearing and entered into discussion. Vice-Chair Enzor moved; seconded by Commissioner Podolsky; motion passed without dissent find the Respondent guilty as charged in the Administrative Complaint. Vice-Chair Enzor moved, seconded by Commissioner Podolsky; motion passed without dissent to impose the following sanctions:

Action Taken: \$500 fine; investigative costs. **Violation(s):** Section 475.25(1)(e), Florida Statutes, by violating Rule 61J2-14.009, Florida Administrative Code when Respondent failed to deliver a deposit check to his broker or employer by the end of the next business day; Section 475.25(1)(k), Florida Statutes, when Respondent failed to immediately place a deposit check with his employer.

General Session continued

Petition for Waiver of Rule 61J2-10.030, Florida Administrative Code; Section 475.453, Florida Statutes

Director Watkins presented the petition received from Roslyn J. Chancey. Ms. Watkins stated that Ms. Chancey was not present but would be available via phone to the Commission to address any questions, if necessary. Mr. Barnhart explained the process of a rule variance or waiver under Section 120.542(2), Florida Statutes. The Commission considered the petition. Mr. Barnhart stated the Ms. Chancey wanted to ensure

that the Commission reviewed each point of the petition. The Commissioners confirmed that they read each point of the petition. Upon conclusion of discussion, Commissioner Hornsleth moved; Commissioner Podolsky seconded; the motion passed without dissent to deny the Petition for Waiver of Rule 61J2-10.030, Florida Administrative Code.

Review and Consideration of the Real Estate Continuing Education Courses

Director Watkins presented the following continuing education courses for the Commission's consideration:

Tab B – Intermediate Mortgage Financing – New Course (3-hour Specialty CE, distance) – Application No. 18591 – Alex C. Morcate, MYREPROFESSOR.com. Mr. Morcate withdrew his application for resubmission.

Tab C – Real Estate Underwriting and Valuation – New Course (3-hour Specialty CE, distance) – Application No. 18592 – Alex C. Morcate, MYREPROFESSOR.com. Mr. Morcate withdrew his application for resubmission.

Tab D – Commercial Real Estate Leasing Basics – New Course (3-hour Specialty CE, distance) – Application No. 18593 – Alex C. Morcate, MYREPROFESSOR.com. Mr. Morcate withdrew his application for resubmission.

Tab E – Introduction to Real Estate Math – New Course (3-hour Specialty CE, distance) – Application No. 18594 – Alex C. Morcate, MYREPROFESSOR.com. Mr. Morcate withdrew his application for resubmission.

Tab F – AgentGPS – New Course (12-hour Specialty CE, classroom) – Application No. 18752 – Cadey Charfen, Distressed Property Institute, LLC DBA Charfen Institute

Ms. Charfen was not present. The Commission entered into discussion. Commissioner Hornsleth moved to deny the continuing education course listed above as it does not meet the requirements set forth in Section 475.182(1), Florida Statutes; Commissioner DeNapoli seconded the motion. The motion passed without dissent.

Consent Agendas

Agenda A

The Commission considered 96 applicants from the Consent Agenda A; Commissioner Hornsleth moved; seconded by Commission DeNapoli to approve 75 applicants and require 21 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Adcock, Ronald
Allie, Fuse
Armstrong, James
Bautista, Hugo
Behr, Lauren
Blazensky, Nicolas
Brockman, Jason
Carasa, Christian
Carmona, Robin
Colvin, Monica
Crespo, Ramon

Greene, Charlene
Hamzehlou, Hooman
Hazor, Iran
Herrera, Rebecca
Hicks Stein, Melita
Hoskins, Alphonso
Hsueh, Po Yen
Isidore, Ashley
Jackson, Antoinette
Kennedy, Deanna
Laskawska, Angelika

Peck, Richard
Phillips, Don
Pierre, Randy
Pineda, Jason
Pisaneschi, Roger
Pitocchelli, Robert Jr.
Pulido, Carlos
Rhoden, Matthew
Ronssin, Frederic
Santiago, Andres
Sarkis, Marc

Dacruz, Francisco Jr.
Delma, Joao Jr.
Deveer, Jason
Dion, Michael
Dunn, Michelle
Farfan O'Brien, Ernesto
Fernandez, William
Ferrer, Jose
Font, Amanda
Garrett, David
Gillespie, Kim
Gonzalez, Leopoldo
Gottlieb, Joshua
Greaves, Lauren

Layton, Dustin
Lopez, Ariel
Lowrance, Robert
Majury, Colleen
Malone, Patrick
Manfredi, Christopher
McDaniel, Barbara
Mendoza, Richard
Mikhailov, Oleg
Miller, Debra
Moreland, Tavarus
Moseley, Scott
Nobles, Amanda
Patton, Michael

Selby, Alexis
Thompson, Christopher
Todd, Gregory
Valentin, Daniel Jr.
Van Buskirk, Ian
Villaverde, Oscar
Viner, Leonora
Waldack, Wayne
Watkinson, Laura
Weber, John
Wiesen, Samra
Williams, Njem
Zabriskei, John
Zambuto, Lisa

The following applicants will be placed on the next available Summary of Applicant agenda:

Adams, Charles
Berry, Bonet
Cosmato, Jeffrey
Cregan, Kevin Sr.
Davis, Rondal
Davis, Suzanne
De Assis, Andrey

Diaz, Richard
Finlayson, Ryan
Francois, Steven
Kimmons, Tracey
Le Helley, Bertrand
Lott, Anthone
Mamert, Marc

Marcus, Stephen
Neizvestny, Irene
Porter, John
Rivera, Israel III
Samms, Tyrone
Stella, Charles
Zimmerman, Glenn

Agenda B

The Commission considered 21 applicants from the Consent Agenda B; Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve 17 applicants and require 4 applicants to be placed on the Summary of Applicant Agenda; the motion passed without dissent.

The following applicants were approved:

Carder, James
Fernandez, Nayomi
Forshay, Venus
Gelling, Laura
Glas, Matthew
Griffin, Ricardo

Hill, Brandy
Kerns, Todd
Kruger, Dobrota
Lindo, Violet
Pelaez, Juan
Ramirez, Barbara

Robinson, Juliet
Schneider, Michael
Sorrell, Gregory
Stewart, Vaughn
Turner, Kenith

The following applicants will be placed on the next available Summary of Applicant agenda:

Alcineus, Joab
Day, Charles

Olivier, Jose
Sumner, Jay

Legal docket continued

Tab B – Fred William Lampert, III, SL 3104090, Case No. 2012035771 – Respondent’s Request for an Informal Hearing, and if Granted, Conduct an Informal Hearing

Respondent was not present; Respondent was represented by James P. Harwood, Esquire, present. Vice Chair Enzor was recused due to participation on the probable cause panel.

Ms. Matchett represented the department and presented the case to the Commission. Mr. Harwood requested a continuance. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed without dissent to continue the matter date certain to August 20, 2013.

Action Taken: Case continued to August 20, 2013.

Tab C – Judy Limekiller, P.A., SL 3131877, Case No. 2012018222 – Recommended Order

Respondent was not present. Respondent was represented by James P. Harwood, Esquire, present. No current members served on the probable cause panel.

Ms. Matchett represented the Department and presented the case to the Commission. The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky; motion passed 4 to 1 to adopt the Administrative Law Judge’s findings of fact and conclusions of law and impose the following sanctions:

Penalty imposed: Suspension for 30 days; \$2,500.00; **Violation:** Section 475.25(1)(b), Florida Statutes, by forging the signature of individuals on multiple documents and then misrepresenting those documents to her employer.

Public Comments

There were no public comments.

Recess

There being no further business and no objection, the Chair recessed the meeting at approximately 11:50 a.m. until 8:30 a.m. tomorrow.

July 17, 2013

Chair Claude “Chip” Boring reconvened the meeting of the Florida Real Estate Commission to order, at approximately 8:30 a.m., in Orlando, on this 17th day of July, 2013.

The following Commission members were in attendance: Chair Claude “Chip” Boring, Vice-Chair Enzor, Richard DeNapoli, Poul Hornsleth and Josh Podolsky. Commissioner Darla Furst was excused and not in attendance. Mr. Tom Barnhart, Senior Assistant Attorney General, appeared as counsel for the Commission. Mr. Barnhart declared a quorum present.

Department and Division staff present at the meeting: Juana Watkins, Director; Denise Johnson, Deputy Director; Patrick Cunningham, Chief Attorney; Jocelyn Pomales, Operations Management Consultant II; JoEllen Peacock, Education Coordinator; Jeannie Adkinson, Regulatory Specialist III; Susan Bailey, Administrative Assistant II; Johanne Knudson, Regulatory Specialist III; Lori Crawford, Regulatory Supervisor/Consultant. American Court Reporting, Inc. (407) 896-1813 provided court reporter services.

Summary of Applicants

OMC II Jocelyn Pomales presented 21 Summary of Applicants requesting to sit for the real estate examination.

Tab A – Diane Schaaf, present; was represented by Daniel Villazon, Esquire, also present – informal hearing – The Commission entered into discussion. Commissioner Hornsleth moved; seconded by Commissioner Podolsky to vacate the Notice of Intent to Deny the Commission previously entered and approve the application for sales associate contingent upon the applicant providing a new application with full disclosures relating to questions 1-4 by close of business today at 5:00 p.m.; the motion passed without dissent.

Tab O – Joseph Mejido, present; was represented by Steven W. Johnson, Esquire, also present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky approve the application for sales associate contingent upon the applicant providing a new application with full disclosures relating to questions 1-4 by close of business today at 5:00 p.m.; the motion passed without dissent; the motion passed without dissent.

Tab H – Arnaldo T. Gonzalez, not present; was represented by Daniel Villazon, Esquire, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab I – Glenn R. Greber, present; was represented by Daniel Villazon, Esquire, present – Commissioner Vice-Chair Enzor moved; seconded by Commissioner DeNapoli to approve the application for sales associate; the motion passed without dissent.

Tab L – Jorge A. Jaen, present; was represented by Daniel Villazon, Esquire, present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed without dissent.

Tab F – Luis R. Garcia, not present; was represented by Nancy P. Campiglia, Esquire, present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed without dissent.

Tab K – Robert G. Hetsler, Jr., present; was represented by Leila Chacko, Esquire, also present – Commissioner DeNapoli moved; seconded by Commissioner Hornsleth to approve the application for sales associate; the motion passed 3 to 2.

Tab B – William R. Archer, present – Applicant withdrew the application and waived the 90-day requirement.

Tab C – Thomas M. Baldwin, present – Applicant withdrew the application and waived the 90-day requirement.

Tab G – John M. Gilbert, II, present – Commissioner Podolsky moved; seconded by Commissioner DeNapoli to grant a continuance until February 2014; the motion passed without dissent. The applicant waived the 90-day requirement.

Tab J – Kimberly L. Gross, present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky approve the application for sales associate contingent upon the applicant providing a new application with full disclosures relating to questions 1-4 by close of business today at 5:00 p.m.; the motion passed without dissent; the motion passed without dissent.

Tab M – Alan A. Lipsky, present – Vice-Chair Enzor moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed 4 to 1.

Tab N – Susie Mechesney, present – Applicant withdrew the application and waived the 90-day requirement.

Tab D – Heather E. Blank, not present – Commissioner Podolsky moved; seconded by Vice-Chair Enzor to deny the application for sales associate; the motion passed without dissent.

Tab E – Larry K. Carroll, Jr., not present – Commissioner Hornsleth moved; seconded by Vice-Chair Enzor to approve the application for sales associate; the motion passed 3 to 2.

Tab P – Stoyanka M. Petrova, not present – The applicant requested a continuance and waived the 90-day requirement.

Tab Q – Marcella E. Phelps, not present – Vice-Chair Enzor moved; seconded by Commissioner DeNapoli to approve the application for broker; the motion passed 3 to 2.

Tab R – David D. Pichardo, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Tab S – Jose M. Reyes, not present – The applicant requested a continuance and waived the 90-day requirement.

Tab T – Xavier Jouan Skipper, not present – Commissioner Hornsleth moved; seconded by Commissioner Podolsky to approve the application for sales associate; the motion passed without dissent.

Agenda B, Tab A – William E. Allen, not present – informal hearing – The Commission granted the informal hearing and entered into discussion. Commissioner Podolsky moved; seconded by Commissioner Hornsleth to uphold the Notice of Intent to Deny the Commission previously entered with the exception of reason number 5; the motion passed without dissent.

Special Agenda – Summary of Applicant

Tab A – Jose Martinez, not present – Commissioner Podolsky moved; seconded by Commissioner Hornsleth to deny the application no. 344643 for a multiple broker license based upon Sections 455.213 and 475.215, Florida Statutes; the motion passed without dissent.

Director's Comments

Director Watkins commented upon the following items:

- Last month the Commission discussed forming a work group for the purpose of updating the syllabus and addressing the other concerns regarding the application process which were raised during the presentation given by Mr. Gus Ashoo and Mr. Alex Bosque from the Bureau of Education and Testing. Ms. Watkins reported that the Division had many volunteers from the industry. Commissioner Furst will be heading up the work group and the Division will schedule a meeting at Ms. Furst's convenience.
- Responded to the Commission's inquiry regarding the test bank items, reporting that BET stated there are over 1000 items in the test bank. Additionally, Ms. Watkins confirmed that the pilot test items will be put into production in September and the exam will consist of 103 exam questions.
- Reported that the Division has submitted the Legislative Proposal for 2014, which included the Commission's request to address some form of hardship for the real estate licensees.

- Reported that the Division completed its first instructor seminar in Tallahassee last week and provided the dates and general locations of the upcoming seminars in August and September.
- Reported that per the Commissioners' request in April, they will be revisiting the topic of the approvable guidelines to discuss the results of changes the Commission made to the guidelines. Ms. Watkins stated that she invited Deputy Secretary Vacarro and Director of Service Operations George Ayrish to attend to explain specifically what the department's desired effect was and report the effects of the changes in terms of actual application numbers.

Public Comments

The Commission did not receive comments from the audience.

Adjournment

There being no further business and no objection, the Chair adjourned the meeting at approximately 10:30 a.m. The next general meeting of the Florida Real Estate Commission is scheduled for August 20 and 21, 2013, in Orlando, Florida.



Claude "Chip" Boring, Chair
Florida Real Estate Commission



Juana Watkins, Director
Florida Real Estate Commission